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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,535	06/01/2006	RoeLoF SteunenberG	NL04 0436 US1	7116
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EXAMINER				
PATEL, BHARAT C				
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3724				
MAIL DATE		DELIVERY MODE		
06/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,535

Applicant(s)

STEUNENBERG ET AL.

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) 2, 4 and 6-21 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3 and 5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to communication received on 3/2/09. Claims 2, 4, 6-21 are withdrawn. Claim 1 is amended. Therefore, claims 1, 3, 5 are pending and addressed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Paas 7,028,405.

Re claim 1, Paas discloses a device 10 for shaving hairs growing from skin, comprising a base portion 18 having a grip 34, a shaving head 38 carrying at least one blade-shaped cutting member 12, 12A having at least one cutting edge, and an actuator 42 for effecting a periodical motion of the cutting member relative to the base portion 18, wherein the shaving head is pivotable relative to the base portion 18 about a pivot axis of the rotating shaft 56A per Fig. 6, wherein the base portion 18 is pivotably coupled to the shaving head 38 through a shaft 56, and the periodical motion of the cutting member is a periodical motion relative to the shaving head per Figs. 1-6 per col. 6, lines 23-48 and per col. 5, lines 63-67 and col. 6, lines 1-22. It should be noted that the Applicant has not specifically claimed the coupling structure of the base portion with

respect to the shaving head, the Examiner considers that Paas satisfies the claimed subject matter.

Re claim 3, Paas discloses that the periodical motion has a motion component which extends substantially parallel to a main cutting direction of the cutting member per Fig. 6, the pivot axis extending substantially perpendicularly to the main cutting direction per Figs. 6-12.

Re claim 5, Paas discloses that the cutting member 12 comprises a single straight cutting edge per Figs. 1, 2 and 7, the pivot axis, through the pivot shaft 56A, extending parallel to the cutting edge of 12A and, seen in the main cutting direction, being arranged in front of the cutting edge of 12A per Figs. 2-12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dato 6,421,918 in view of Gilder 6,502,318.

Re claim 1, Dato teaches a device 12 for shaving hairs growing from skin per Figs. 1-5, comprising a base portion 28 having a grip formed by 17, 19, 36, 38, per Figs. 1-4, a shaving head 14 carrying at least one blade-shaped cutting member 23a, 23b, having at least one cutting edge per Figs. 2-4, and an actuator 18 for effecting a periodical motion of the cutting member relative to the base portion 28, and the

periodical motion of the cutting member 23a-23b is a periodical motion relative to the shaving head 14 per Figs. 1-2 per col. 3, lines 1-9. However, Dato fails to teach that the shaving head 14 is pivotable relative to the base portion 28 about a pivot axis, wherein the base portion 18 is pivotably coupled to the shaving head. Gilder teaches that the shaving head 2 is pivotable relative to the base portion 1 about a pivot axis "C", wherein the base portion 1 is pivotably coupled to the shaving head 2 per Figs. 1-5.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Dato's shaving head with pivoting arrangement, as taught by Gilder, in order to pivot during shaving to adjust to the contours of the surface being shaved per col. 1, lines 11-15.

Re claim 3, Dato teaches that the periodical motion has a motion component which extends substantially parallel to a main cutting direction of the cutting member per Fig. 8 per col. 3, lines 46-57, the pivot axis extending substantially perpendicularly to the main cutting direction per Figs. 1-8. It should also be noted that Gilder teaches the pivot axis "C" is perpendicular to the main cutting direction per Figs. 1 and 4.

Re claim 5, the modified device of Dato teaches that the cutting member 23a-23b comprises a single straight cutting edge per Figs. 1-8, the pivot axis (Gilder, C) extending parallel to the cutting edge (Gilder, 12) and, seen in the main cutting direction, being arranged in front of the cutting edge of (Gilder, 12, per Figs. 1 and 4).

Response to Arguments

6. Applicant's arguments filed on 3/2/09 have been fully considered but they are not persuasive. The Applicant argues in the Remarks that the shaving head not connected to the body through a pivot axis and is not pivotably relative to the base portion about a pivot axis.

In response to the above argument, the Examiner respectfully disagrees. It should be noted that the oscillating or vibrating movement is being transferred to the shaving head by the resilient material of the wall of the handle portion through the rotation movement of the shaft 56 thru the axis of the shaft 56. Thus the shaft 56 thru lobe-shaped weight 44 per Fig. 6 per col. 5, lines 63-67 and col. 6, lines 1-22. It should be noted that the Applicant has not specifically claimed the coupling structure of the base portion with respect to the shaving head, the Examiner considers that Paas satisfies the claimed subject matter.

Further a new rejection is also made in combination of Dato with Gilder as discussed above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Bharat C Patel/

Examiner, Art Unit 3724

June 3, 2009.

/Ghassem Alie/

Primary Examiner, Art Unit 3724